

**Introduced by Senator Cannella**

February 10, 2011

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An act to ~~amend, repeal, and add Section 11100 of~~ *add Section 11383.8 to* the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

SB 260, as amended, Cannella. Controlled ~~substances~~: *substances ephedrine or pseudoephedrine.*

*Existing law makes it a felony punishable by imprisonment in the state prison for 2, 4, or 6 years to, with intent to manufacture methamphetamine or any of its analogs, as specified, or by imprisonment in the state prison for 16 months, 2 years, or 3 years to, with the intent to sell, transfer, or otherwise furnish those chemicals, substances, or products to another person with the knowledge that they will be used to manufacture methamphetamine or any of its analogs, as specified, possess ephedrine or pseudoephedrine, or any salts, isomers, or salts of isomers of ephedrine or pseudoephedrine.*

*This bill would make it a felony punishable by imprisonment in the state prison for 2, 4, or 6 years to possess, without regard to intent,  $\frac{1}{2}$  pound or more of ephedrine or pseudoephedrine, or any salts, isomers, or salts of isomers of ephedrine or pseudoephedrine, or  $\frac{1}{2}$  pound or more of a substance containing ephedrine or pseudoephedrine, or any salts, isomers, or salts of isomers of ephedrine or pseudoephedrine.*

~~Existing law generally provides that any manufacturer, wholesaler, retailer, or other person or entity in this state that sells, transfers, or otherwise furnishes to any person or entity in this or any other state any of a list of substances shall submit a report to the Department of Justice~~

of all of those transactions, as specified. Any person who does not submit a report as required, or who submits a false report is guilty of a crime.

This bill would, until January 1, 2015, require those reports to be submitted monthly.

Existing law provides, however, that the above reporting requirements are not applicable to, among others, any specified manufacturer or wholesaler licensed by the California State Board of Pharmacy or any analytical research facility that is registered with the federal Drug Enforcement Administration of the United States Department of Justice.

This bill would, until January 1, 2015, delete the exemption from the reporting requirements for specified manufacturers or wholesalers licensed by the California State Board of Pharmacy. The bill would, until January 1, 2015, revise the exemption from the reporting requirements relating to analytical research facilities to provide that the exemption shall apply to any analytical research facility that purchases no more than 200 milliliters of a liquid controlled chemical substance or one kilogram of a solid controlled chemical substance, except in the case of the purchase of ephedrine, pseudoephedrine, norpseudoephedrine, or phenylpropanolamine, in which case the facility may purchase no more than 9 solid grams.

Because this bill would make existing crimes applicable to a *create* new category of persons or entities *crimes*, this bill would impose a state-mandated local program upon local governments.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 11383.8 is added to the Health and Safety
- 2     Code, to read:
- 3     11383.8. (a) Notwithstanding any other law, including Sections
- 4     11383.5 and 11383.7, any person who possesses one-half pound
- 5     or more of ephedrine or pseudoephedrine, or any salts, isomers,
- 6     or salts of isomers of ephedrine or pseudoephedrine, or who

1 *possesses one-half pound or more of a substance containing*  
2 *ephedrine or pseudoephedrine, or any salts, isomers, or salts of*  
3 *isomers of ephedrine or pseudoephedrine, is guilty of a felony and*  
4 *shall be punished by imprisonment in the state prison for two, four,*  
5 *or six years.*

6 *(b) This section shall not apply to drug manufacturers licensed*  
7 *by this state or persons authorized by regulation of the California*  
8 *State Board of Pharmacy to possess those substances or a*  
9 *combination of substances, or to persons as otherwise authorized*  
10 *by law to possess a substance described in subdivision (a).*

11 *SEC. 2. No reimbursement is required by this act pursuant to*  
12 *Section 6 of Article XIII B of the California Constitution because*  
13 *the only costs that may be incurred by a local agency or school*  
14 *district will be incurred because this act creates a new crime or*  
15 *infraction, eliminates a crime or infraction, or changes the penalty*  
16 *for a crime or infraction, within the meaning of Section 17556 of*  
17 *the Government Code, or changes the definition of a crime within*  
18 *the meaning of Section 6 of Article XIII B of the California*  
19 *Constitution.*

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22 **All matter omitted in this version of the bill**  
23 **appears in the bill as introduced in the**  
24 **Senate, February 10, 2011. (JR11)**  
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